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In re Application of LASKY	:	
U.S. Application No.: 10/518,988	:	
PCT Application No.: PCT/IB2003/002794	:	DECISION
Int. Filing Date: 17 June 2003	:	
Priority Date Claimed: 28 June 2002	:	
Attorney Docket No.: ON/4032548A	:	
For: 4-(4-METHYLPIPERAZIN-1-YLMETHYL)...	:	

This is in response to applicant's "Petition to Revive Under 37 CFR 1.137(b) and Response to Notification of Missing Requirements" filed 25 July 2006.

BACKGROUND

On 17 June 2003, applicant filed international application PCT/IB2003/002794, which claimed priority of an earlier United States application filed 28 June 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 08 January 2004. The thirty-month period for paying the basic national fee in the United States expired on 28 December 2004.

On 21 December 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 November 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 and a sequence listing in computer readable form must be filed.

International application PCT/IB2003/002794 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 25 July 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has not provided the required reply under 35 U.S.C. 371. Although the petition states that an executed declaration is attached, a review of the application file reveals that an executed declaration is not present.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has not provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

A review of the disclosure reveals that a sequence listing is not required.

CONCLUSION

The petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

The portion of the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 21 November 2005 which indicated that a sequence listing must be filed is hereby VACATED.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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